

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

S.N.: 09/575,633

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Filed: 05/22/00

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Art Unit 1616

By: William B. Johnson

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For: INSECT DEBILITATION
AND ERADICATION
COMPOSITION AND METHOD

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Examiner: Neil S. Levy

OFFICIAL

Filed by telefax to: 703-872-9306

May 3, 2004

Honorable Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

LETTER AND REMARKS

In the Advisory Action the Examiner has noted that the applicant does not point to where support lies for the new claim language. The new claim language appears in claims 33 and 34.

The basis for the support is set forth below:

CLAIM LANGUAGE	SUPPORT
Claim 33: "in an amount that is safe and not toxic to non-insect species"	Page 1 beginning on line 11: "Accordingly, a need exists for a safe, non-toxic insect control composition that is highly effective and yet safe for the environment and especially for humans, including children and the unborn ---"

Line 2 from the bottom of the page: "provide a non-toxic, safe method of deterring noxious insects ----"

Page 6 line 7: "It is preferred to provide biomedically safe cations as noted above (biomedical inherently has reference to human medical procedures).

Line 2 from the bottom of the page: "---biocompatible cations and/or salt was found to be very effective ---"

Original claim 6 line 1: "biocompatible cations selected from the group consisting of alkali metal ions of potassium and sodium, the alkali earth metal ions of calcium and magnesium and a water soluble or dispersible cation that contains boron or copper."

Claim 34: "surfactant is selected from a group consisting of non-ionic surfactants, ethoxylated nonylphenol amphoteric surfactants and cationic surfactants."

Page 4 beginning on line 2: "non-ionic surfactants such as ethoxylated nonylphenol amphoteric surfactants, cationic surfactants."

Page 1 lines 7-9: "Many traditional insect control agents contain compounds which are either toxic, harmful to the environment or accumulate in the body tissue of animals

Claim 34 lines 6-8: "Maintaining the solution substantially devoid of an insecticide, a surfactants or other substance that is toxic to non-insect species including higher animals and humans or is harmful to the environment."

including humans ---" (Applicant submits that the term "insect control agents inherently includes insecticide)

Page 1 lines 11-13: "Accordingly, a need exists for a safe, non-toxic insect control composition that is highly effective and yet safe for the environment and especially for humans, including children and the unborn ---"

Page 1 lines 1 and 2 from the bottom of the page: "provide a non-toxic, safe method of deterring noxious insects ---"

Page 2 lines 3-5: "provide a product that is water-soluble, non-toxic, environmentally safe and is a free-rinsing composition."

Page 3 lines 4 and 5 from the bottom of the page: "mixture of a surfactant or mixture of surfactants, preferably accepted as safe for food or cosmetic use, and a thickener."

Page 4 lines 8 and 9: "A variety of biomedically safe surfactants..."

Claim 34 line 9: "placing the liquid solution of the surfactant in a dispensing container." Also "expelling the solution from the container as a spray or aerosol."

Page 7 lines 3-5 from the bottom of the page: "--- simply sprays the liquid pest control composition from a can, bottle or other container, either by means of a pump or by releasing it from a pressurized container, *e.g.*, a pressurized aerosol spray can."

Claim 34 lines 16-21: "Applying the spray or aerosol onto the surface of an insect pest whereby a film of the solution thereon reduces the surface tension at the outer layer of the insect's chitinous exoskeleton such that the solution coats out onto the insect blocking spiracles through which the insect breathes sufficient to interfere with respiration thereby killing the insect solely by means other than toxicity of said insecticide or other substance."

Page 4 last line and page 5 lines 1-5: "enveloping the insect in a film of water or more precisely an aqueous solution which drastically reduces the normal surface tension within the microscopic outer layer of the chitinous exoskeleton of the insect, causing the solution to coat out onto the insect as well as blocking the spiracles so as to interfere with normal respiration. In flying insects especially, locomotion is also inhibited or prevented altogether."

"Killing the insect solely by means other than toxicity of said insecticide or other substance."

Page 1 line 7: "Many traditional insect control agents contain compounds which are either toxic or harmful to the environment or accumulate in body tissue of animals"

including humans.”

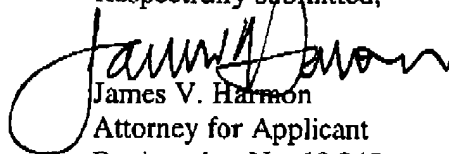
And lines 11 and 12: “safe, non-toxic insect control composition that is highly effective and yet safe for the environment and especially for humans, including children and the unborn ---”

Page 9 lines 6 and 8: “Flies, such as houseflies, stop moving in 10-50 seconds and then die.”

Accordingly, it is respectfully submitted that all of the amendments are supported in the specification and/or claims as originally filed.

Favorable consideration is therefore believed to be in order and is earnestly solicited.

Respectfully submitted,


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